

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN L. COHEN,

Plaintiff,

-against-

FRANK MACKAY,

Defendant.

25-CV-226 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On January 3, 2025, Martin Cohen filed suit against Frank MacKay, alleging violations of the federal constitution and the New York Trust Act. Dkt. 1 at 9. On January 13, 2025, the Court ordered Cohen to file a letter explaining why venue is proper in this district, given that both parties are domiciled in the Eastern District and the events giving rise to Cohen’s complaint occurred in the Eastern District. Dkt. 4. Cohen filed no such letter.

If an action is filed in the wrong district court, a court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). A court may do so *sua sponte*. See *Reed v. Pfizer, Inc.*, 2022 WL 16857316, at *2 (E.D.N.Y. Sept. 28, 2022).

Here, the Court finds that transfer to the Eastern District of New York is in the interest of justice. There is no indication in the complaint that Cohen sued in the Southern District of New York to forum shop, nor would transferring unduly prejudice the defendant. See *Gibbon v. Fronton*, 661 F. Supp. 2d 429, 436 (S.D.N.Y. 2009). Accordingly, the court *sua sponte* transfers this action to the Eastern District of New York.

SO ORDERED.

Dated: January 27, 2025
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge